

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re:)	MDL No. 1456
)	Civil Action No. 01-12257-PBS
PHARMACEUTICAL INDUSTRY)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Hon. Patti B. Saris
_____)	

THIS DOCUMENT RELATES TO:

)
)
<i>United States ex rel. Ven-A-Care of the</i>)
<i>Florida Keys, Inc. v. Schering Corporation,</i>)
<i>Schering-Plough Corporation and</i>)
<i>Warrick Pharmaceuticals Corporation</i>)
Civil Action No. 09-CV-10547)
MDL Action No. 1456)
)
<i>United States ex rel. Ven-A-Care of the</i>)
<i>Florida Keys, Inc. v. Schering Corporation,</i>)
<i>Schering-Plough Corporation and</i>)
<i>Warrick Pharmaceuticals Corporation</i>)
Civil Action No. 00-CV-10698)
MDL Action No. 1456)
)
<i>California ex rel. Ven-A-Care of the</i>)
<i>Florida Keys, Inc. v. Schering Corporation,</i>)
<i>Schering-Plough Corporation and</i>)
<i>Warrick Pharmaceuticals Corporation</i>)
Civil Action No. 03-CV-11226)
MDL Action No. 1456)

**JOINT MOTION FOR APPROVAL OF THE SETTLEMENT BETWEEN
CALIFORNIA, FLORIDA, AND RELATOR VEN-A-CARE OF THE FLORIDA KEYS
ON BEHALF OF ITSELF AND THE UNITED STATES AND
SCHERING-PLOUGH, SCHERING, AND WARRICK**

Relator Ven-A-Care of the Florida Keys (the “Relator” or “Ven-A-Care”), the State of California, and Schering-Plough Corporation, Schering Corporation, and Warrick Pharmaceuticals Corporation (collectively “Schering/Warrick”) hereby jointly move this Court to approve the Settlement Agreement and Release (the “Settlement Agreement”)¹ reached by the Settling Parties, enter the Proposed Findings set forth in that Settlement Agreement, and enter an orders dismissing Schering/Warrick from the above-captioned matters with prejudice. In support of this motion, the Settling Parties submit the following:

- (1) a Memorandum in Support of Joint Motion for Approval of the Settlement Between California, Florida, and Relator Ven-A-Care of the Florida Keys on Behalf of Itself and the United States and Schering-Plough, Schering, and Warrick;
- (2) an Affidavit of Dr. Sumanth Addanki (submitted by and as to Schering/Warrick only);
- (3) an Affidavit of Beth Trent, Esq. (submitted by and as to Schering/Warrick only); and
- (4) an Affidavit of Mark Jones. (submitted by and as to Ven-A-Care only).

WHEREFORE, for the reasons set forth in those supporting materials, the Settling Parties respectfully request that this Court: (i) proceed to evaluate the fairness, adequacy, and reasonableness of their proposed settlement sequentially, as described in the accompanying memorandum; (ii) enter the requested findings of fact after conducting an evidentiary hearing at which all objectors are provided an opportunity to be heard; (iii) consent to the Settlement Agreement in writing stating the Court’s reasons for consenting; (iv) after making the determinations relating to the Settlement, request that the United States indicate whether it consents to the dismissal and that it specify its reasons; and (v) ultimately approve the proposed

¹ A copy of the Settlement Agreement and Release was filed with this Court as Exhibit A to the Parties’ Joint Motion for a Scheduling Conference (Dkt. No. 6173).

Settlement Agreement and enter an order dismissing these actions with prejudice as requested in the Settlement Agreement.²

Respectfully submitted,

/s/ John P. Bueker

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Dated: August 7, 2009

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2009, a true copy of the above Joint Motion was served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

August 7, 2009

/s/ John P. Bueker

John P. Bueker

² A proposed form of Order, including the requested factual findings (the "Proposed Findings"), is attached to the parties' Settlement Agreement and Release as Exhibit C and was filed with the Court as an exhibit to their Joint Motion for a Scheduling Conference (Dkt. No. 6173-2)